

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

MANUEL COOPER,

PETITIONER

V.

CIVIL ACTION NO.: 3:14CV119-SA-SAA

CHRISTOPHER EPPS and

ATTORNEY GENERAL OF THE STATE OF MISSISSIPPI,

RESPONDENTS

CERTIFICATE OF APPEALABILITY

A notice of appeal has been filed in the above captioned case from the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a state court under 28 U.S.C. § 2254. The Court, considering the record in the case and the requirements of Fed. R. Civ. P. 22(b) and 28 U.S.C. § 2253(c), finds that:

PART A

☐ The applicant has made a substantial showing of the denial of a constitutional right.

SPECIFIC ISSUE(S):

☒ **A certificate of appealability should not issue.**

REASONS FOR DENIAL:

For the reasons stated in the opinion, the Court finds that the Petitioner has failed to “demonstrate that the issues are debatable among jurists of reason; that a court could resolve issues in a different manner; or that the questions are adequate to deserve encouragement to proceed further.” *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1993) (superceded by statute) (citations and quotations omitted); 28 U.S.C. § 2253(c)(1) and (2). Specifically, the Court finds,

for the reasons set forth in its October 7, 2014, memorandum opinion and final judgment, and the Court's November 4, 2014, denial of motion for reconsideration, that Petitioner has failed to make a substantial showing of the denial of a constitutional right, and the instant motion should be denied.

PART B (if applicable)

- ☐ The party appealing is entitled to proceed *in forma pauperis*.
- ☒ **The party appealing is not entitled to proceed *in forma pauperis*.**

REASONS FOR DENIAL:

The Court has already determined in a prior Order dated November 4, 2014, that Petitioner is not entitled to proceed *in forma pauperis* on appeal. The Court here reiterates its finding, as Petitioner's appeal has no possibility of success. *See* Fed. R. App. P. 24.

SO ORDERED, this, the 30th day of January, 2015.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE